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February 9, 2004

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

By Hand Delivery

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room TW-B204  
Washington, D.C. 20554

**Re: Year 2000 Biennial Regulatory Review  
Amendment of Part 22 of the Commission's Rules  
WT Docket No. 01-108  
Ex Parte Communication**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I am writing on behalf of Mercedes-Benz, USA, LLC, to inform you of ex parte communications held on February 6, 2004 between the undersigned and Sheryl Wilkerson, Legal Advisor to Chairman Powell; Jennifer Manner, Legal Advisor to Commissioner Abernathy and Sam Feder, Legal Advisor to Commissioner Martin regarding issues raised in the above-referenced proceeding.

In the communications, I reiterated the position of Mercedes-Benz in this proceeding, i.e. that the Commission should reject a petition for reconsideration of its biennial review decision <sup>1/</sup> to provide for a 5-year sunset of the analog cellular requirement contained in 47 C.F.R. §§ 22.901(d) and 22.933.

<sup>1/</sup> Year 2000 Biennial Regulatory Review – Amendment of Part 22 of the Commission's Rules to modify or Eliminate Outdated Rules Affecting the Cellular Radio Telephone service and other Commercial mobile radio Services, *Report and Order*, 17 FCC Rcd 18401 (2002).

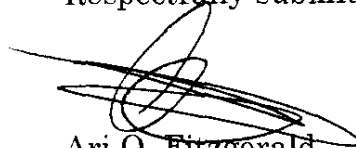
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I also noted that Mercedes-Benz is a member of the Digital Transition Coalition, a group of entities that deliver AMPS-based services to the public and that supports the Commission's original five-year sunset decision in this docket.

An original and one copy of this letter are submitted for inclusion in the proceeding record.

Respectfully submitted,



Ari Q. Fitzgerald

AQF/bgg

Ms. Sheryl Wilkerson  
Ms. Jennifer Manner  
Mr. Sam Feder